

REMARKS

In an office action dated 19 April 2004, the Examiner rejects claims 1-10 (all pending claims). In response to the office action, Applicants respectfully traverse the Examiner's rejection. Claims 1-10 remain in the application. In light of the following argument, Applicants respectfully request that claims 1-10 (all pending claims) and this application be allowed.

The Examiner rejects claims 1-10 under 35 USC §103 (a) as being unpatentable over U.S. Patent Number 6,016,497 issued to Suver (Suver) in view of US. Patent number 6,427,143 issued to Isip, Jr. et al. (Isip). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id.

Claim 1 recites a data importer receiving an input including data to be imported into said database, an indication of one of said related groups that is associated with said data, and indications of parameters associated with said data, wherein said data importer appends one or more portions of said data associated with existing parameters to corresponding one or more existing tables associated with said existing parameters and having tables of said one of said related groups as references, appends data associated with new parameters to a new table created for said new parameters, and updates said data dictionary to include said identifications and information of said new table and new parameters. In order to maintain this rejection the Examiner must provide evidence of a

teaching of this element in Suver or a motivation to modify Suver to include the recited data importer. The Examiner admits at page 3, line 5 that Suver does not teach a data importer.

Isip also does not teach the data importer recited in claim 1. Instead Isip teaches a method for inputting data from a data file into an existing database. See abstract. However, Isip deals with checking whether the data is suitable to be placed in existing rows and columns of database and is silent about adding new parameters to a database. Thus, Isip merely presents a method for reading data from a file and placing the data in the existing parameters of a database. Thus, Isip does not perform the functions of the data importer of claim 1.

Since neither Suver nor Isip teaches the data importer recited in claim 1, the combination of the reference does not teach the data importer. Thus, Applicants respectfully request that this rejection be removed and claim 1 be allowed.

Furthermore, even if the combination of Suver and Isip teaches the data importer recited in claim 1, the Examiner has not provided the proper motivation to do so. As required by the MPEP and case law, "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation found either explicitly or implicitly in the references or in the knowledge generally available one of ordinary skill in the art." See MPEP §2143.01 and In re Kotzab, 217 F3d. 1365, 1370 (Fed. Cir. 2000). In the office action, the Examiner merely asserts that one skilled in the art would modify Suver with Isip to load data into a table from an input file. However, the Examiner has not provided evidence of such motivation. Suver provides a method to input data into the database. However, Suver does not teach a method to directly input

the data from an input file. Isip presents a method for inputting a data file into an existing database without adding new parameters. Neither Suver nor Isip teaches a motivation to combine the two references. Neither reference presents a need to a data importer that loads data with new parameters into an existing database and updating a dictionary.

The modification of Suver by adding the data importer impermissibly changes the principle of operation of Suver. The Examiner is reminded that if the proposed modification of the prior art changes the principle of operation of the prior art, then the teachings of the reference is not sufficient to render claim 1 prima facie obvious. See MPEP §2143.01. See also, In re Ratti, 270 F2d. 810, 123 USPQ 349 (CCPA 1959). In accordance with claim 1, a data importer receives data to be imported (or added) to a database and indications of the parameters and groups related to the received data. The data importer then appends the data to a table with the related parameters and updates a data dictionary with new information if a new table must be used to include the data into the database.

Suver, on the other hand, is teaching a method for configuring data into the database. See abstract. Suver is not considering adding data received from another software application. Suver does teach a method for updating or inserting data in process 1500 shown in Figure 15 and described in specification at col. 24, line 42- col. 25, line 29. As one skilled in the art will recognize importing of data is receiving data from another software application into the database. Since Suver provides a method for inserting data into the program and is silent as to receiving data from another software application, the new feature or process of a data importer is not taught in Suver and is not even contemplated by Suver. The mere fact that the references can be combined or

modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination or modification. See In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Thus, the addition of a data importer changes the principle of operation in Suver.

Furthermore, Isip teaches a method for inputting data into existing parameters of a database. In Isip, data that does not fit into the existing parameters of the database is excluded by checking for constraint violations. New data that did not fit the existing parameters is discarded. See figures 3A and 3B. There is no contemplation in Isip for adding new parameters and adding new parameters would violate the prior constraints which in turn changes the principle of operation of Isip. For these reasons, the Examiner has not provided proper evidence of a motivation to combine the references.

For the above reasons, the rejection of claim 1 cannot be maintained and Applicants respectfully request claim 1 be allowed.

Claims 2-8 are dependent upon claim 1. Thus, claims 2-8 are allowable for at least the same reasons as claim 1. Thus, Applicants respectfully request that claims 2-8 be allowed.

Claim 9 recites the method for adding the imported data performed by the data importer. Thus, claim 9 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that claim 9 be allowed.

Claim 10 is dependent upon claim 9. Therefore claim 10 is allowable for at least the same reasons as claim 9 and Applicants respectfully request that claim 10 be allowed.

If the Examiner has any questions regarding this amendment or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

A handwritten signature in black ink, appearing to read 'W. Wilbar', is written over the printed name.

William P. Wilbar
Reg. No.: 43,265

Dated: July 12, 2004

Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449
(775) 586-9500
(775) 586-9550 Fax